

## **REMARKS**

### **I. Status of Claims**

Claims 10-17 have been rejected in the Office Action of July 5, 2005. Claims 10-17 are pending.

### **II. Amendments**

In the Office Action, the amendments to the specification were not entered because the amendments to the specification as filed were not in compliance with 37 C.F.R. 1.121. Thus, the amendments to the specification filed November 17, 2003 were not entered. Accordingly, Applicant has amended the specification in compliance with 37 C.F.R. 1.121 and respectfully requests that the amendments be entered.

As stated, in a previous paper, a description of the use of pH-buffering agents along with the therapeutic composition has been included in the specification. This information was readily apparent to those of ordinary skill in the art at the time the priority application to the parent application was filed (August, 1995). No new matter has been added to the specification.

### **III. Rejection Under 35 U.S.C. 112**

Claims 10-17 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action stated that the “claim(s) contain subject matter which was not described in the specification in such a way as to reasonably to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Further, the Office Action stated that there was no support for a pH-buffering agent as specified in claims 10 and 12, as amended. Accordingly, Applicant

submits that since it has amended the specification in compliance with 37 C.F.R. 1.121, the claims find support in the specification. No new matter has been added.

### CONCLUSION

It is respectfully submitted that all claims currently pending in the application are in condition for allowance in their current form and that the application proceed to issuance. Reconsideration and withdrawal of the pending rejections and objections are respectfully requested. Early and favorable notice to this effect is earnestly solicited.

If the Examiner does not consider the pending claims allowable, the undersigned respectfully requests an interview with the Examiner to discuss the merits of the case.

Respectfully submitted,

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Robert F. Zielinski, Reg. No. 34,286  
Attorney for Applicant  
Wolf, Bleck, Schorr and Solis-Cohen LLP  
1650 Arch Street - 22nd Floor  
Philadelphia, PA 19103-2097  
(215) 977-2544